

REMARKS

No claims have been amended. Reconsideration of pending claims 1, 2, 4-11, 15, and 19-31 is respectfully requested in light of the above amendments and the following remarks.

Rejections under 35 U.S.C. §103(a)

Claims 1-2, 4-11, 15, and 19-28 are rejected under 35 U.S.C. §103(a) as being unpatentable over Shavit (US Patent No. 4,799,156 hereinafter referred to as “Shavit”).

MPEP 2143.03 states that “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.” Quoting *In re Wilson*, 424 F.2d 1382, 1385 (CCPA 1970). However, in the present matter, the Examiner has not shown that all words in the claim have been considered. For example, claim 1 requires:

A computer-implemented method for linking a semiconductor product manufacturing facility demand planning system with a quotation system, the method comprising: updating the quotation system including a first raw material product and its quote amount; storing the quote amount associated with the first raw material product in a quotation system database; determining that the first raw material product is associated with a desired finished product and a quantity of the first raw material product associated with the desired finished product; and calculating a demand planning system price associated with the desired finished product based on the quote amount associated with the first raw material product and the quantity of the first raw material product associated with the desired finished product. Emphasis added.

As is clear from claim 1, provided is a method that includes limitations associated with a raw material product and a finished product with which it is associated. Applicants respectfully

submit that the Examiner is neglecting to properly consider the limitations including those directed to a raw material product associated with the desired finished product.

The Applicants have previously addressed the Examiner's rejections of claims over the Shavit reference. The cited portions of Shavit, to which the Examiner provides no further comment, remain the same as the previous office action with respect to claim 1. As such, the Applicants arguments presented previously are equally at force herein but are not duplicated for efficiency. The arguments are provided in the Applicant's response dated November 8, 2007, and in particular those directed to Shavit's lack of disclosure of the claimed raw material product, are supplementary to those contained herein.

The Applicants provide these additional arguments in part to respond to the Office action at pages 10-12 wherein the Examiner provides a response to Applicants previous arguments. See Office action dated Feb. 15. Before addressing the response in detail, the Applicants would like to clearly elucidate the following: to any extent that the Examiner is asserting that a disclosure of manipulation of information by a computer provides for production of "raw data" (pg. 10, 12) or "data items" (pg. 10) and that this data provides for the claimed raw material product, the Applicants strongly disagree and find this interpretation clearly beyond the broadest reasonable interpretation of the claims and in particular of "raw material product."

As provided in MPEP 2111, "[d]uring patent examination, the pending claims must be 'given their broadest reasonable interpretation consistent with the specification.' ... The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach." Merriam-Webster's Online Dictionary defines raw material as a "crude or processed material that can be converted by manufacture, processing, or combination to a new and useful product." www.merriam-webster.com. The Applicant's specification provides, for example, "...raw materials used to make semiconductors in the foundry." [0012]. It also provides for a "raw material amount needed for a finished product (for example – grams, milliliters, etc)" and numerous times describes "multiple raw materials needed for the finished product." See table at paragraph [0015], [0016], [0018]. As such, it is clear that raw material is a

component used to produce a finished produce (e.g., semiconductor device) and can not reasonably be interpreted as data item or raw data. With this background, the Applicants now address the Examiner's assertions with respect to claim 1 in detail.

With respect to the argument that Shavit does not disclose identifying a desired finished product and determining that a first raw material product is associated with the desired finished product and determining a quantity of the first raw material product associated with the desired finished product, the Examiner asserts such is provided by Shavit at col. 13 line 51- col. 14 line 9. The Examiner describes:

“[cited portion] discloses identified required items, which represents the desired finished product since one could not possible have a finished product without the required items, and validating various data items and computing such values as weight and volume of the ordered items, where an outstanding bid can be converted into an order, either as is or with changes, where in this case, data items represent the first raw material product, and the weight and volume represent the quantity.” Office action dated Feb. 15, 2007, page 10.

In contrast the Examiner's assertions however, the cited portion of Shavit describes a request for quotation (RFQ) and entry of a purchase order by a buyer. It provides for proposing substitutes and complementary items for the desired item. See, e.g., col. 13, lns. 13-15. However, the Applicants find no indication or even suggestion of a raw material product being considered in the cited portion of Shavit. The portion provides for RFQs or purchase orders of a product or multiple products that are desired by a customer. The substitute of complementary products would be similar type to this desired product (i.e. complementary). Even assuming, arguendo, this desired product to be a finished product, there is no indication of a raw material product associated with that product. The items (“data items”), which the Examiner appears to

assert are a raw material product, include selections or entries that a customer has made in the RFQ (request for quotation). See col. 12, lns. 54-col. 13 lns. 15. This is clearly different than a raw material product.

The Examiner also provides “in Col. 15, lines 9-10, it is shown that a deferred bid for a product can result in processing the data as raw data (i.e. change it into an order, etc.), which in combination with the passage cited above, means that the validation of various data items involves validating raw data.” Office action, page 10. In contrast, Shavit provides at the cited portion manners in which a distributor may interact with a supplier. Even assuming, arguendo, that the Examiner is correct that Shavit provides for raw data and/or validation of raw data, the claim does not include a raw data limitations to which this would be applicable. Applicants find no indication in the cited portion of a raw material product associated with a finished product. Furthermore stated above, Applicants respectfully disagree (assuming, arguendo, that Shavit provides a disclosure of raw data), that raw data provides any indication of a raw material product associated with a finished product as the Examiner appears to assert.

The Examiner also provides a response to an argument that Shavit fails to disclose calculating a demand planning system price associated with the desired finished product based on the quote amount associated with the first raw material product and the quantity of the first raw material product associated with the desired finished product. The Examiner cites col. 13 line 10- col. 14 line 9 in combination with col. 25 lines 28-50 as disclosing these elements.

The Examiner states:

“Shavit discloses RFQ’s or requests for quotes. However, Shavit also continues to teach that after prices and terms are recalculated upon modifying an RFQ, which a bid becomes available, the user is notified that the bid is now available (with the current price), and that the buyer may modify its request and retransmit the RFQ several times before making an order decision. In this case, the order decision for the desired finished product would be based on the RFQ, and the user would purchase the

product based on the price (represents the demand planning system price)
represented by the RFQ that presented the user with a favorable choice.”
Office action, page 11.

Even assuming, arguendo, that Shavit provides a disclosure as interpreted by the Examiner above, this still does not provide a price associated with a finished product based on the quote amount associated with the first raw material product and the quantity of the first raw material product associated with the desired finished product. The Examiner clearly states that the price of the purchased product would be based on a RFQ which may be submitted numerous times, however no where does the Examiner consider providing a price for a product (e.g., the purchased product) based on a raw material product. The submission of an RFQ, for example, for the same desired product, numerous times provides no disclosure or even suggestion of a raw material product.

Thus, for these independent reasons alone, the Examiner's burden of factually supporting a *prima facie* case of obviousness has clearly not been met, and the rejection under 35 U.S.C. §103 should be withdrawn.

CLAIMS 19 and 23 - §103

Claims 19 and 23 also provide limitations associated with a raw material product that, as described above, are not considered by the Examiner. The Examiner provides no further response to these claims.

Dependent Claims

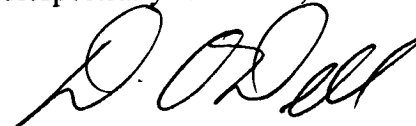
Claims 2, 4-11, and 15, claims 20-22, and claims 24-31 respectively depend from Claim 1, claim 19, and claim 23, and are also believed to be allowable over the art of record, for example, for the same reasons as claims 1, 19, and 23, respectively.

Separately and independently, claim 4 requires a product database includes a listing of a plurality of raw material products associated with the finished product. The Examiner asserts that “since Col. 15, lines 9-10, shows that a deferred bid for a product can result in processing the data as raw data (i.e. change it into an order, etc.), which in combination with the passage cited above, means that the database involves validating raw data.” Office action dated Feb. 15, 2007, page 12. Even assuming, arguendo, that the Examiner’s interpretation of Shavit is correct, this does not provide for the limitations of claim 4. Claim 4 does not require raw data, no validating raw data. It does require a data base including a listing of raw material product; Applicants find no indication or even suggestion in the cited portion of Shavit directed towards this limitation. As described above, the Applicants respectfully submit that raw data does not provide for raw material product.

Conclusion

It is clear from all of the foregoing that all pending claims are in allowable form. An early formal notice of allowance of claims 1, 2, 4-11, 15, and 19-31 is requested.

Respectfully submitted,



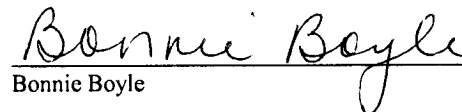
David. M. O'Dell
Registration No. 42,044

Dated: March 13, 2008

HAYNES AND BOONE, LLP
Customer No.: 42717
Telephone: 972/739-8626
Facsimile: 214/200-0853
Client Matter No.: 2003-0374 / 24061.75
R-191210

Certificate of Service

I hereby certify that this correspondence is being filed with the U.S. Patent and Trademark Office via EFS-Web on March 13, 2008.


Bonnie Boyle